UNITED NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.37
9 November 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE THIRTY-SEVENTH MEETING

Held at Headquarters, New York,
on Wednesday, 7 November 1990, at 10 a.m.

President: Mr. PEERTHUM (Mauritius)
(Vice-President)

- The situation in Afghanistan and its implications for international peace and security [29]

  (a) Report of the Secretary-General

  (b) Draft resolution

  (c) Report of the Fifth Committee

- Co-operation between the United Nations and the Organization of African Unity [30]

  (a) Report of the Secretary-General

  (b) Draft resolution

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

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- Implementation of the Declaration on the right of peoples to peace [22]

  (a) Report of the Secretary-General

  (b) Draft resolution

- Adoption of the agenda and organization of work: Letter from the Chairman of the Committee on Conferences [8] (continued)

- Elections to fill vacancies in principal organs [15] (continued)

  (a) Election of five non-permanent members of the Security Council

  (c) Election of five members of the Internatioanl Court of Justice

- Organization of work

In the absence of the President, Mr. Peerthum (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 29

THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

(a) REPORT OF THE SECRETARY-GENERAL (A/45/635)

(b) DRAFT RESOLUTION (A/45/L.3)

(c) REPORT OF THE FIFTH COMMITTEE (A/45/710)

The PRESIDENT: In connection with this item, the General Assembly has before it a draft resolution in document A/45/L.3.

The President of the General Assembly has requested me to convey to the Assembly his regret at not being able, owing to commitments outside New York, to be present to introduce the draft resolution.

The President is of the view that draft resolution A/45/L.3 is a balanced text which duly reflects the concerns of the parties involved and underscores the urgent need for a comprehensive political solution to the situation in respect of Afghanistan.

Accordingly, the draft resolution submitted by the President is the result of a consensus between the parties. The President trusts that the Assembly, too, will adopt it by consensus.

Before moving on to take action on the draft resolution, I wish to point out that, as part of the understanding between those directly concerned, it was agreed that there would be no debate on the item in the General Assembly. It is therefore suggested that we abide by this understanding, which is designed to permit the broadest possible support for the draft resolution. If I hear no objection, I

(The President)

shall take it that the General Assembly agrees not to discuss the item under consideration.

It was so decided.

The PRESIDENT: I should now like to draw to the attention of members that the report of the Fifth Committee regarding the programme budget implications of the draft resolution is contained in document A/45/710.

May I take it that the Assembly wishes to adopt the draft resolution?

Draft resolution A/45/L.3 was adopted (resolution 45/12).

The PRESIDENT: The Assembly has thus concluded its consideration of agenda item 29.

AGENDA ITEM 30

CO-OPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

(a) REPORT OF THE SECRETARY-GENERAL (A/45/364 and Add.1)

(b) DRAFT RESOLUTION (A/45/L.14 and Corr.1 and 2)

The PRESIDENT: I call on the representative of Tunisia to introduce the draft resolution.

Mr. GHEZAL (Tunisia) (interpretation from French): Over the past three decades, co-operation between the United Nations and the Organization of African Unity (OAU) has developed at a satisfactory pace and has been further strengthened. We welcome the commonly expressed will of our two organizations, guided by the principles of law, justice and social progress, to make this co-operation increasingly beneficial, as we are entering an era of interdependence and international harmony, which will rightly open up promising prospects for international co-operation in all areas, including the economic, social, juridical and cultural.

(Mr. Ghezal, Tunisia)

With Namibia's accession to independence, the African continent and the United Nations celebrated the success of the United Nations plan for Namibia. Unfortunately, the United Nations and the OAU are still confronted with the problem of the policy of apartheid practised by the Pretoria régime. In spite of recent developments, the South African régime has not yet adopted the necessary measures to establish a climate propitious to the speedy and effective conduct of successful negotiations in South Africa. Hence it is encouraging to note that the General Assembly at its resumed forty-fourth session, which has just concluded, adopted resolution 44/244 by consensus.

READEX FICHE

(Mr. Ghezal, Tunisia)

This resolution, inter alia,

"Calls upon all Governments and intergovernmental organizations to adhere strictly to the programme of action contained in the Declaration adopted by the sixteenth special session against apartheid by maintaining existing measures aimed at encouraging the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible changes, bearing in mind the objectives of the Declaration." (resolution 44/244, para. 3)

The Organization of African Unity (OAU) and the United Nations, and their respective organs, are continuing to hold periodic consultations. These are an excellent mechanism for co-operation between the two organizations. In this regard I should like to pay a tribute to all those institutions that have taken an active part in the efficient functioning of this mechanism. I have in mind particularly the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Conference on Trade and Development, the United Nations Environment Programme, the United Nations Children's Fund, the World Food Programme, the Food and Agriculture Organization of the United Nations, the International Civil Aviation Organization, the International Labour Organisation, the World Health Organization, the Universal Postal Union, the International Telecommunication Union, the United Nations Economic Commission for Africa, the World Bank, the International Monetary Fund and the United Nations Industrial Development Organization - just to mention a few.

The report of the Secretary-General of the United Nations (A/45/364) and its addendum (A/45/364/Add.1) of 28 September 1990 give a detailed description of many fields of co-operation between the OAU and the United Nations. They indicate the progress achieved in this context, in spite of the ground that remains to be covered in view of the size of the problems Africa is confronting. As we all know, Africa has been in the grip of a critical economic situation for most of the

(Mr. Ghezal, Tunisia)

1990s. The rate of growth has constantly declined because of the many obstacles such as the collapse of the prices of African commodities, the negative transfer of resources, the debt burden, the natural disasters and the policies of destabilization pursued by South Africa against its neighbours in southern Africa. The continued drop in the standard of living resulting from this is exerting unprecedented political, social and economic pressure on the African Governments. With the assistance of the international financial institutions, particularly the World Bank and the International Monetary Fund, Africa has undertaken radical structural-adjustment policies involving serious political and economic risks. Unfortunately, however, these reforms, carried out by many third-world countries, in particular African countries, have not been facilitated by the current international situation. The result is that today 28 of the 41 least advanced countries in the world are in Africa. All those factors - in addition to the effects of the debt-servicing burden - were described thoroughly and eloquently by the current Chairman of the Organization of African Unity, the President of Uganda, His Excellency Mr. Yoweri Museveni, in his address to this session of the General Assembly on 1 October 1990.

Africa therefore urges the United Nations and the international community in general to work for the success of the objectives of the United Nations Programme of Action for the Economic Recovery and Development of Africa 1986-1990 - the Programme whose implementation will be the subject of a final review and evaluation at the forty-sixth session of the General Assembly, in accordance with resolution A/43/27 of 18 November 1988.

In this context, I have the pleasure of submitting to the General Assembly, on behalf of the African Group, draft resolution A/45/L.14 and Corr.1 and 2, entitled "Co-operation between the United Nations and the Organization of African Unity". Apart from its provisions that are similar to those in draft resolution 44/17,

(Mr. Ghezal, Tunisia)

adopted by the previous regular session, this text attempts to take account of important events that have occurred in the past year.

Under operative paragraphs 13, 17, 19 and 24 of this draft resolution, the General Assembly would, inter alia, also request

"the Secretary-General of the United Nations and the relevant agencies of the United Nations system to continue to extend their support and co-operation through the Secretary-General of the Organization of African Unity to the member States of that Organization in their efforts to enhance African economic integration by the establishment of an African economic community, in accordance with the relevant resolutions of the Organization of African Unity" - contained in documents A/45/482, annex II, and A/43/699, annex II. (A/45/L.14, para. 13)

The General Assembly would urge

"the international community to contribute generously to the Assistance Fund for the Struggle against Colonialism and Apartheid, established by the Organization of African Unity, and to the Action for Resisting Invasion, Colonialism and Apartheid Fund, established by the Movement of Non-Aligned Countries". (ibid., para. 7)

The Assembly would also endorse

"the agreement reached between the organizations of the United Nations system and the Organization of African Unity for the convening of a mid-term review meeting between the secretariats of those organizations, to be held at the headquarters of the Organization of African Unity during April 1991 in order to evaluate the progress achieved in the implementation of the proposals and recommendations agreed upon in April 1990 on the co-operation between the Organization of African Unity and the United Nations system for 1990/1991 and to adopt new measures for their effective implementation". (ibid., para. 19)

(Mr. Ghezal, Tunisia)

The Assembly would, further, request

"the Secretary-General to ensure that adequate facilities continue to be made available to enhance continued liaison and consultations on matters of common interest as well as the provision of technical assistance to the General Secretariat of the Organization of African Unity, as required".

(ibid., para. 24)

Those are some of the major points that I wished to stress in draft resolution A/45/L.14 and Corr.1 and 2, which is before the General Assembly today.

In view of the intensive and positive consultations that were held with the other regional groups - which I should like to thank sincerely - it is my earnest hope that the General Assembly will adopt this text by acclamation.

Mr. TRAXLER (Italy): I have the honour to speak on behalf of the European Community and its 12 member States.

This debate on co-operation between the United Nations and the Organization of African Unity is for the Community and its member States a welcome opportunity to reaffirm the importance they attach to the relationship existing between the two organizations.

The close historical, cultural and geographical ties between European and African countries give Africa a special place in the considerations of the Twelve. Their own experience of regional co-operation makes them fully aware of the great benefits that such co-operation can bring. Therefore they strongly encourage it. The European Community and its 12 member States believe that the way in which African countries are working together and their joint efforts deserve the full support of the United Nations. They are pleased to note that the ties between the Organization of African Unity and the United Nations have become closer in all fields over the years.

The Twelve are convinced that the Organization of African Unity has a very important role to play in strengthening the national independence of its members both politically and economically, particularly in the current international atmosphere. Where conflicts continue, they believe that the countries most directly concerned should be encouraged to find solutions. This applies not only to political problems but also to economic, social and environmental ones.

The Twelve are convinced that African problems are best settled by African solutions. They are therefore happy to note the active and positive work being done by the Organization of African Unity in a number of complex and difficult areas. The Twelve have particularly welcomed the close co-operation between the Secretary-General of the United Nations and the Chairman of the Organization of

(Mr. Traxler, Italy)

African Unity in the search for peaceful solutions to the problems of the continent, in particular the problem of Western Sahara.

This year the international community has witnessed the effective implementation of the United Nations plan for Namibia and the accession of that country to independence, which marked a historic step forward in the process of decolonization. The European Community and its member States salute this achievement and pay a tribute to the central role played by the Secretary-General of the United Nations, his Special Representative and the United Nations Transition Assistance Group (UNTAG) in assisting the peaceful transition to independence under a Constitution based on the principles of democracy and respect for human rights. The Twelve take this opportunity to pledge their friendship and support once more to the people of Namibia and they remain committed to assisting in Namibia's future economic and social development, notably in the framework of the Fourth Lomé Convention.

Africa is endowed with vast resources, both actual and potential, and yet it contains more than half the economically least developed countries in the world. The Twelve intend to continue their co-operation with all African countries in order to help in the search for solutions to those countries' present economic and social problems. In recent years the European Community and its 12 member States have provided more than 50 per cent of the total assistance received by African countries. The European Community and its member States played an active role, two years ago, in the successful mid-term review of the United Nations Programme of Action for African Economic Recovery and Development. There is no doubt that, in order to support the efforts of the African countries themselves to solve their particular difficulties, additional resources will be needed. The Twelve reaffirm their commitment to participate in the efforts required to make such resources

(Mr. Traxler, Italy)

available. The major contributions of the European Community and its member States bear witness to their commitment to the objectives of the Programme of Action.

In the recent past, the Twelve noted with satisfaction the commitment undertaken by the Heads of State and Government at the Organization of African Unity summit meeting in July 1990 to

"the further democratization of our societies and to the consolidation of democratic institutions in our countries". (A/45/482, annex II, para. 10)

Some of them have committed themselves to introducing multi-party systems. The Twelve believe that democracy and development are closely connected. They are convinced that adherence to the principles of pluralistic democracy, apart from being a goal in itself, can give a favourable impetus to social and economic development.

The Twelve regard their commitment to the cause of Africa in all areas as a way to safeguard the stability of the continent and to broaden their co-operation both with African Governments and with regional organizations and the Organization of African Unity. They believe that the Organization of African Unity will continue to play an important role in African and world affairs, in conformity with the principles guiding the United Nations and in pursuit of our common goals. The European Community and its member States are confident that the close ties of friendship and co-operation which exist between them and all members of the Organization of African Unity will be further strengthened in all areas in the years ahead.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/45/L.14 and Corr.1 and 2. I should like to inform members that the Secretary-General does not foresee programme-budget implications in the implementation of this draft resolution.

(The President)

May I take it that the Assembly decides to adopt the draft resolution?

Draft resolution A/45/L.14 and Corr.1 and 2 was adopted (resolution 45/13).

The PRESIDENT: I shall now call on the representative of the United States, who wishes to speak in explanation of position.

I remind delegations that, in accordance with decision 34/401, such explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. MOORE (United States of America): The United States was pleased to be able to join in the consensus adoption of the resolution on co-operation between the United Nations and the Organization of African Unity. We stand behind the Organization of African Unity in its efforts to co-ordinate with the United Nations on ways to address the problems of Africa.

While we generally endorse the sentiments expressed in the resolution just adopted, it contains some language that we feel is not indicative of the changes taking place in southern Africa. References to acts of aggression and destabilization by the Government of South Africa are dated examples of rhetoric which we believe are inconsistent with the consensus Declaration of the December special session and the consensus Declaration of the September resumed session, and which we believe should cease to appear in United Nations resolutions.

(Mr. Moore, United States)

It will facilitate future efforts to achieve a consensus if the draft resolutions are made available early enough to allow time for constructive consultations. Furthermore, the General Assembly could easily have used this resolution as an opportunity to voice its support for the efforts in South Africa to bring about a democratic, non-racial society. We are disappointed that this opportunity to encourage the process of eradicating apartheid was missed by the international community.

Nevertheless, let me reiterate my country's conviction that the United Nations and the Organization of African Unity will continue to co-operate in achieving the important aims that we all share for that continent.

The PRESIDENT: We have concluded our consideration of agenda item 30.

AGENDA ITEM 22

IMPLEMENTATION OF THE DECLARATION ON THE RIGHT OF PEOPLES TO PEACE

(a) REPORT OF THE SECRETARY-GENERAL (A/45/546 and Add.1)

(b) DRAFT RESOLUTION (A/45/L.15)

The PRESIDENT: I call on the representative of Mongolia, who wishes to introduce draft resolution A/45/L.15.

Mr. DUGERSUREN (Mongolia): Six years ago, on the initiative of the Mongolian People's Republic and a number of other countries, the General Assembly adopted the Declaration on the Right of Peoples to Peace. The Declaration, after proclaiming the sacred right of peoples to peace, emphasized that the policies of States should be directed towards elimination of the threat of war, renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations.

(Mr. Dugersuren, Mongolia)

The adoption of that Declaration constituted an important step with the aim of promoting the strengthening of international peace and security, while the ice of the cold war was still intact and a confrontational approach was preponderant. Today we can say that the events of historic magnitude that have taken place in recent years clearly demonstrate that the world situation is moving towards an era of enhanced security and co-operation.

In the same breath we should also say that much remains to be done finally to deliver mankind from the threat of war and conflicts. The Persian Gulf crisis is a most alarming reminder. It represents a serious challenge to the policy of a common approach, accommodation and co-operation in the quest for a new international order of equality and unhindered self-determination of peoples. We take this opportunity to express our hope that the new trend in international relations will withstand this test, that the crisis will be resolved by peaceful means and that the Persian Gulf will be spared from becoming another perilous area of foreign military presence.

In the light of the foregoing, we emphasize that the spirit and objectives of the Declaration on the Right of Peoples to Peace fully retain their lasting relevance and importance and that it is incumbent on all to help foster the new, favourable atmosphere.

The forty-fourth session of the General Assembly, in resolution 44/21, which was initially proposed by the Soviet Union and the United States of America, rightly called upon States to intensify their practical efforts towards ensuring international peace and security in all its aspects through co-operative means in accordance with the Charter of the United Nations.

(Mr. Dugersuren, Mongolia)

My delegation has the honour to introduce draft resolution A/45/L.15 on behalf of the delegations of Bulgaria, the Byelorussian Soviet Socialist Republic, Chile, Colombia, Congo, Cuba, Ecuador, Honduras, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Mauritius, Myanmar, Namibia, Papua New Guinea, Samoa, the Solomon Islands, the Ukrainian Soviet Socialist Republic, Viet Nam and my own country, Mongolia.

The intent and meaning of the draft resolution has been widely discussed with the interested delegations and groups and the sponsors did their utmost to reflect therein all the relevant and important observations and suggestions. We wish to thank the many delegations which from the beginning readily displayed a constructive and co-operative approach.

The draft resolution reflects the growing acceptance of the ideas in the Declaration on the Right of Peoples to Peace and reaffirms the lasting importance of its objectives. It also emphasizes the importance of the efforts at the national and international levels towards the implementation of the Declaration. In operative paragraph 4 the draft resolution requests the Secretary-General to keep the implementation of the Declaration under review and report on this matter as required. I think that this meets the new trends.

The sponsors of the draft resolution hope that the General Assembly will adopt it by consensus.

The PRESIDENT: We shall now proceed to take a decision on draft resolution A/45/L.15. May I take it that the Assembly decides to adopt draft resolution A/45/L.15?

Draft resolution A/45/L.15 was adopted (resolution 45/14).

The PRESIDENT: I call on the representative of Italy, who wishes to explain his position on the resolution just adopted.

I remind members that, in accordance with General Assembly decision 34/401, such explanations are limited to 10 minutes and should be made by delegations from their seats.

Mr. TRAXLER (Italy) (interpretation from French): The 12 States members of the European Community, on whose behalf I have the honour to speak, welcome the adoption by consensus of the resolution on the implementation of the Declaration on the Right of Peoples to Peace. They wish to remind the Assembly that when the Declaration was adopted, under resolution 39/11, of 12 November 1984, they abstained, and spoke in explanation of vote. That position was confirmed during the adoption of resolution 41/10 and 43/22. In spite of its considerable interest, the Declaration seemed to them to be imprecise on certain important points. They maintain this position.

However, the Twelve understand that the resolution just adopted marks the end of an exercise that, given the developments in the international situation, is no longer relevant. It is in this sense that the Twelve interpret operative paragraph 4 of the resolution, and they have therefore been able to join in the consensus.

The PRESIDENT: We have concluded our consideration of agenda item 22.

AGENDA ITEM 8 (continued)

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK: LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON CONFERENCES (A/45/475/Add.3)

The PRESIDENT: As members are aware, the Assembly, in paragraph 7 of its resolution 40/243, decided that no subsidiary organ of the General Assembly should be permitted to meet at United Nations Headquarters during a regular session of the Assembly unless explicitly authorized by the Assembly.

As indicated in a letter dated 2 November 1990 addressed to the President of the Assembly by the Chairman of the Committee on Conferences (A/45/475/Add.3), the Committee has recommended that the General Assembly authorize the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa to meet at Headquarters during the forty-fifth session of the General Assembly.

May I take it that the General Assembly adopts the recommendation of the Committee on Conferences?

It was so decided.

AGENDA ITEM 15 (continued)

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS

(a) ELECTION OF FIVE NON-PERMANENT MEMBERS OF THE SECURITY COUNCIL

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

The PRESIDENT: I should like to refer briefly to sub-item (a) of agenda item 15, entitled "Election of five non-permanent members of the Security Council", which was considered at the 36th plenary meeting, on 1 November 1990. When the results of the election were announced, it was stated that two Eastern European States had each received one vote. As had been stated before the balloting began, votes for States outside the relevant region would not be counted at all; consequently, the votes for two Eastern European States should not have been

(The President)

included. This information will be reflected in a footnote to the verbatim record of the 36th plenary meeting of the General Assembly.*

I also have an announcement to make in connection with sub-item (c) of agenda item 15, on the election of five members of the International Court of Justice, which is scheduled to take place on Thursday, 15 November. I would like to draw the Assembly's attention to the relevant documents.

First, document A/45/543-S/21823, dated 10 October 1990, sets out the composition of the Court and the procedure for the election in the General Assembly and in the Security Council. Secondly, document A/45/545-S/21825, dated 12 October 1990, contains the curricula vitae of the candidates. Thirdly, document A/45/544-S/21824, dated 26 September 1990, contains the list of candidates submitted within the required time for submission; and finally, document A/45/544 Add.1-S/21824/Add.1, dated 29 October 1990, contains additional information received after 15 August 1990, the required date for submission. Paragraph 1 of the document contains additional nominations by national groups, paragraph 2 indicates that the Turkish national group has withdrawn its nomination of Justice Dorab Patel, and paragraph 3 indicates that Dr. Hector Gros Espiell has withdrawn his own candidature. I have been informed that the Secretary-General has received additional notifications of nominations from other national groups. A further addendum to document A/45/544-S/21824 will thus be issued.

In order to facilitate the preparation and conduct of this election procedure, it would seem desirable that the Assembly have before it, as it has had in the past, a consolidated and updated list of candidates. Accordingly, if there is no

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* See A/45/PV.36, p. 36.

(The President)

objection, I will request the Secretariat to issue a consolidated and updated list of candidates so as to reflect all the information received since the issuance of the original list, thus facilitating the election for all representatives.

If I hear no objection, it will be so decided.

It was so decided.

ORGANIZATION OF WORK

The PRESIDENT: I have to inform members that there will be a meeting of the General Committee at 9.30 a.m. on Friday, 9 November, in Conference Room 4, in order to consider the request by Iraq contained in document A/45/236, which is available at the documents distribution counter in the General Assembly Hall.

The meeting rose at 11.10 a.m.

UNITED NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.38
16 November 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE THIRTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 3 p.m.

President: Mr. THOMPSON (Fiji)
(Vice-President)

later: Mr. de MARCO (Malta)
(President)

- Typhoon in the Philippines
- Election to fill vacancies in principal organs [15] (continued)

(c) Election of five members of the International Court of Justice

(i) Memorandum by the Secretary-General

(ii) List of candidates

(iii) Curricula vitae

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In the absence of the President, Mr. Thompson (Fiji), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

TYPHOON IN THE PHILIPPINES

The PRESIDENT: On behalf of all the members of the Assembly, I wish to extend deepest sympathy to the Government and the people of the Philippines for the tragic loss of life and extensive material damage that resulted from the recent typhoon.

Let me also express the hope that the international community will show its solidarity and respond promptly and generously to any request for help.

I call on the representative of the Philippines.

Mr. ORDOÑEZ (Philippines): We are deeply touched by the President's expression of sympathy and of the willingness to extend assistance in response to the recent events which have resulted in an additional setback on our road to progress. It is very comforting to know that in the midst of problems everywhere there is still time and opportunity for members of the Assembly to listen to calls for aid by countries visited by natural disasters like that recently experienced by our country.

(Mr. Ordoñez, Philippines)

In the name of the President of the Philippines, Corazon C. Aquino, I wish to pledge to every member of the Assembly that the political will our people showed in 1986, when it put down a dictatorship and brought our country back into an era of the rule of law, will continue, and that we shall remain steadfast in our resolve that our country will never again allow a recurrence of the unfortunate days when the will of the people was subordinated to the will of a single person.

As we consolidate that resolve by living up to the expectations of the many countries that have applauded our efforts to recover our democracy, we wish to renew our commitment to our colleagues here assembled that there will be a permanent niche in our heart for the very generous assistance they have given. I remember that in May we had occasion to mention here that our country, hobbled as it was by difficulties, had sought to extend some assistance to Iran, which had been visited by an earthquake. Earlier, even with our limited resources, we were willing to extend help to Bangladesh.

Now that it is our turn to come to this forum for assistance in our time of need, we wish not only to reiterate that we shall be grateful but also, as a further commitment, to assure the Assembly that the political will that enabled us to end the period of dictatorship will be the same political will that will inspire us to continue living up to the expectations of this body.

AGENDA ITEM 15 (continued)

ELECTION TO FILL VACANCIES IN PRINCIPAL ORGANS:

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

(i) MEMORANDUM BY THE SECRETARY-GENERAL (A/45/453)

(ii) LIST OF CANDIDATES (A/45/544/Rev.1)

(iii) CURRICULA VITAE (A/45/545)

The PRESIDENT: The General Assembly will now proceed to the election of five members of the International Court of Justice for a nine-year term commencing

(The President)

on 6 February 1991. The terms of office of the following Judges expire the previous day: Mr. J. M. Ruda, Mr. K. Mbaye, Sir Robert Jennings, Mr. G. Guillaume and Mr. R. S. Pathak.

In connection with this election I should like to bring the following matters to the attention of the General Assembly:

First, in accordance with General Assembly resolution 264 (III), a State which is a party to the Statute of the International Court of Justice but not a Member of the United Nations may participate in the General Assembly in electing the members of the Court in the same manner as States Members of the United Nations. On this occasion I am happy to welcome here the representatives of Nauru, San Marino and Switzerland.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect five members of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides that

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court".

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until five candidates have obtained the required majority in the Assembly.

Finally, I should like to draw the attention of the Assembly to the documents relating to the election. The list of candidates nominated by national groups is to be found in document A/45/544/Rev.1. The curricula vitae of the candidates are to be found in document A/45/545. The Assembly also has before it document A/45/543, containing a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the Assembly and in the Security Council with regard to the election.

(The President)

In accordance with Article 10, paragraph 1 of the Statute of the Court, those candidates who obtain an absolute majority of votes both in the General Assembly and in the Security Council shall be considered to be elected. For the present election, 82 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot.

If in the first ballot fewer than five candidates obtain an absolute majority it will be necessary to proceed to other ballots until five candidates have obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, these ballots shall be unrestricted.

Representatives are requested to use only the ballot papers now being distributed and to place a cross at the left of the names of the five candidates for whom they wish to vote. Ballot papers on which more than five names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 3.30 p.m. and resumed at 4.35 p.m.*

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	156
Number of invalid ballots:	0
Number of valid ballots:	156
Abstentions:	0
Number of members voting:	156
Required majority:	82
Number of votes obtained:	
Mr. Andres Aguilar Mawdsley (Venezuela)	143
Mr. Gilbert Guillaume (France)	140
Sir Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)	124
Mr. Enrique P. Syquia (Philippines)	68
Mr. Christopher Gregory Weeramantry (Sri Lanka)	64
Mr. Raymond Ranjeva (Madagascar)	60
Mr. Seydou Madani Sy (Senegal)	58
Mr. Samuel K.B. Asante (Ghana)	41
Mr. Dorab Patel (Pakistan)	23
Mr. Atsu-Koffi Amega (Togo)	21
Mr. Edilbert Razafindralambo (Madagascar)	12
Mr. Sompong Sucharitkul (Thailand)	9

* The President took the Chair.

The PRESIDENT: The following three candidates have obtained an absolute majority in the General Assembly: Mr. Andres Aguilar Mawdsley, Mr. Gilbert Guillaume and Sir Robert Yewdall Jennings.

The Assembly will have to proceed to another unrestricted ballot to fill the two remaining vacancies. Ballot papers are being distributed. All candidates whose names appear on the ballot papers are eligible. The names of the three candidates who have already obtained the necessary majority of votes have been deleted.

I again remind delegations that the names of only two candidates should be marked with a cross. Any ballot papers on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 4.50 p.m. and resumed at 5.15 p.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	157
Number of invalid ballots:	4
Number of valid ballots:	153
Abstentions:	0
Number of members voting:	153
Required majority:	82
Number of votes obtained:	
Mr. Christopher Gregory Weeramantry (Sri Lanka)	70
Mr. Enrique P. Syquia (Philippines)	64
Mr. Raymond Ranjeva (Madagascar)	62
Mr. Seydou Madani Sy (Senegal)	54
Mr. Samuel K.B. Asante (Ghana)	27
Mr. Atsu-Koffi Amega (Togo)	10
Mr. Dorab Patel (Pakistan)	10
Mr. Edilbert Razafindralambo (Madagascar)	6
Mr. Sompong Sucharitkul (Thailand)	1

Since no candidate has obtained an absolute majority, the Assembly will proceed to another unrestricted ballot to fill the remaining vacancies.

Ballot papers are being distributed. All individuals whose names appear on the ballot paper are eligible.

Once again I remind delegations that the names of only two candidates should be marked with a cross. Any ballot paper on which more than two names are marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot paper.

At the invitation of the President, Mr. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 5.30 p.m. and resumed at 6.35 p.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	156
Number of invalid ballots:	0
Number of valid ballots:	156
Abstentions:	0
Number of members voting:	156
Required majority:	82
Number of votes obtained:	
Mr. Christopher Gregory Weeramantry (Sri Lanka)	97
Mr. Raymond Ranjeva (Madagascar)	82
Mr. Seydou Madani Sy (Senegal)	58
Mr. Enrique P. Syquia (Philippines)	51
Mr. Samuel K. B. Asante (Ghana)	11
Mr. Atsu-Koffi Amega (Togo)	7
Mr. Dorab Patel (Pakistan)	2
Mr. Edilbert Razafindralambo (Madagascar)	1
Mr. Sompong Sucharitkul (Thailand)	0

Since Mr. Raymond Ranjeva and Mr. Christopher Gregory Weeramantry have obtained the required majority, the following five candidates have now received an absolute majority in the General Assembly: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Raymond Ranjeva and Mr. Christopher Gregory Weeramantry.

(The President)

I have communicated the result of the voting to the President of the Security Council and have received from the President of the Security Council the following letter:

"I have the honour to inform you that at the 2955th meeting of the Security Council, held on 15 November 1990 for the purpose of electing five members of the International Court of Justice for the seats which will become vacant on 5 February 1991, the following candidates obtained an absolute majority of votes: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings, Mr. Seydou Madani Sy and Mr. Christopher Gregory Weeramantry."

(The President)

As a result of the voting which has taken place independently in the General Assembly and the Security Council, the following four candidates have obtained absolute majorities in both bodies: Mr. Andrés Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings and Mr. Christopher Gregory Weeramantry. They are therefore duly elected members of the International Court of Justice to serve for a nine-year term commencing 6 February 1991.

I take this opportunity to extend to them the congratulations of the Assembly on their election.

Mr. PENNANEACH (Togo) (interpretation from French): We wish first of all sincerely to thank the delegations of the States parties to the Statute of the International Court of Justice which were so kind as to support the Togolese candidate, Mr. Atsu-Koffi Amega. In putting forward Mr. Amega as a candidate for a seat on the International Court of Justice, the Togolese national group and the Togolese Government had two principal motives: first, to demonstrate their attachment to the jurisdiction of the Court, which plays an important role as the principal judicial organ of the United Nations; and, secondly, to make a modest contribution to the discharge of the very important role the Court has been assigned, particularly in view of the fact that a Togolese has never been a member of the Court.

Strengthening the role of the Court requires, in particular, that its composition should reflect compliance with Article 9 of its Statute. That Article provides that

> "At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured."

(Mr. Pennaneach, Togo)

It was in the light of all those conditions that the Togolese national group and Government decided to put forward a highly competent candidate with a fund of experience in the field of international law.

Out of our concern for co-operation, we are withdrawing the candidacy of Mr. Atsu-Koffi Amega. In so doing we sincerely hope that the candidate who will be chosen from among those still on the list will meet the requirements I have just cited - namely, the intrinsic value of the candidate and his representation of the main forms of civilization and of the principal legal systems of the world.

The PRESIDENT: In view of the statement we have just heard that the national group of Togo has withdrawn the candidacy of Mr. Atso-Koffi Amega, his name will no longer appear on the ballot paper.

Mr. AWOONOR (Ghana): I want to thank the Assembly for the kind-hearted way in which this exercise has been conducted. We believed that our candidate, Mr. Asante, was one whose candidacy would cut across so-called sectional interests in the legal profession, but, in some wise, this belief has not been borne out by the voting. As a result, and in spite of the fact that we still retain, as a delegation and on behalf of the national group of Ghana and the various countries which supported his candidacy, a great deal of faith in Mr. Asante as an able jurist and a lawyer with an international reputation, particularly in the area of economic and developmental law, we wish to state on our own behalf and that of Mr. Asante that we are withdrawing his candidacy and are asking that his name be removed from the ballot paper.

The PRESIDENT: In view of the statement we have just heard, that the candidacy of Mr. Samuel Asante has been withdrawn, his name will no longer appear on the ballot paper.

(The President)

In accordance with the provisions of Article 11 of the Statute of the Court, it will be necessary to hold a second meeting, to fill the remaining vacancy. I therefore propose to adjourn this meeting and to convene a second meeting immediately to vote on the remaining vacancy.

The meeting rose at 6.50 p.m.

UNITED NATIONS

A

General Assembly

PROVISIONAL

A/45/PV.39
16 November 1990

ENGLISH

Forty-fifth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE THIRTY-NINTH MEETING

Held at Headquarters, New York,
on Thursday, 15 November 1990, at 6.50 p.m.

President: Mr. de MARCO (Malta)

- Election to fill vacancies in principal organs [15] (continued)

(c) Election of five members of the International Court of Justice

(i) Memorandum by the Secretary-General

(ii) List of candidates

(iii) Curricula vitae

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

90-64304/A 3135V (E)

The meeting was called to order at 6.50 p.m.

AGENDA ITEM 15 (continued)

ELECTIONS TO FILL VACANCIES IN PRINCIPAL ORGANS

(c) ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

(i) MEMORANDUM BY THE SECRETARY-GENERAL (A/45/543)

(ii) LIST OF CANDIDATES (A/45/544/Rev.1)

(iii) CURRICULA VITAE (A/45/545)

The PRESIDENT: This meeting of the General Assembly has been convened for the purpose of continuing the election of members of the International Court of Justice. As members are aware, there is still one vacancy on the Court to be filled. The Assembly will now proceed to vote in respect of that remaining vacancy.

Ballot papers are being distributed and I should like to remind members that votes may be cast for all the candidates whose names appear on the ballot paper. The names of Mr. Andres Aguilar Mawdsley, Mr. Gilbert Guillaume, Sir Robert Yewdall Jennings and Mr. Christopher Gregory Weeramantry, who were elected members of the Court at the previous meeting, have been deleted from the ballot paper, as have the names of Mr. Atsu-Koffi Amega and Mr. Samuel Asante.

I also remind delegations that they should put a cross against the name of one candidate only. Any ballot paper on which more than one name is marked will be declared invalid. Votes may be cast only for those whose names appear on the ballot paper.

At the invitation of the President, Mr. Panov (Bulgaria), Ms. Cepeda (Dominican Republic), Mr. Conmy (Ireland) and Mr. Mfula (Zambia) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 7.10 p.m. and resumed at 7.35 p.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	154
Number of invalid ballots:	2
Number of valid ballots:	152
Abstentions:	0
Number of members voting:	152
Required absolute majority:	82
Number of votes obtained:	
Mr. Raymond Ranjeva (Madagascar)	90
Mr. Seydou Madani Sy (Senegal)	50
Mr. Enrique T. Syquia (Philippines)	9
Mr. Edilbert Razafindralambo (Madagascar)	3
Mr. Dorab Patel (Pakistan)	0
Mr. Sompong Sucharitkul	0

The PRESIDENT: Mr. Raymond Ranjeva has obtained the necessary absolute majority in the General Assembly. I have conveyed the results of the vote to the President of the Security Council and have received from him the following letter:

"I have the honour to inform you that at the 2956th meeting of the Security Council, held on 15 November 1990 for the purpose of electing one member of the International Court of Justice for the seat which will become vacant on 5 February 1991, the following candidate obtained an absolute majority of votes: Mr. Raymond Ranjeva."

(The President)

As a result of the voting which has taken place independently in the General Assembly and in the Security Council, Mr. Raymond Ranjeva has obtained an absolute majority in both bodies and is therefore duly elected a member of the International Court of Justice to serve for a nine-year term commencing on 6 February 1991.

I take this opportunity to extend to him the congratulations of the Assembly on his election and to thank the tellers for their assistance.

We have thus concluded our consideration of sub-item (c) of agenda item 15.

The meeting rose at 7.40 p.m.